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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
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5 WILLIAM CRAWFORD, JR.,

6 Petitioner,

7 v.

8 JERRY HOWELL, *et al.*,

9 Respondents.
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Case No. 2:19-cv-01574-RFB-BNW

ORDER

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12 This action is a Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, by
13 William Crawford, Jr., a Nevada prisoner. On September 9, 2019, the Court received from
14 Crawford a Petition for Writ of Habeas Corpus (ECF No. 1-1), a Motion for Appointment of
15 Counsel (ECF No. 1-3), a Motion to Stay Proceedings (ECF No. 1-2), and an Application to
16 Proceed *In Forma Pauperis* (ECF No. 1). On November 14, 2019, Crawford filed a financial
17 certificate in support of his Application to Proceed *In Forma Pauperis* (ECF No. 3).

18 The financial certificate reflects that Crawford is able to pay the \$5 filing fee for this action.
19 The Court will therefore deny the Application to Proceed *In Forma Pauperis* and require Crawford
20 to pay the filing fee. However, the requirement that Crawford pay the filing fee will be suspended
21 until after counsel appears on his behalf.

22 Prisoners applying for Habeas Corpus relief are not entitled to appointed counsel unless
23 the circumstances indicate that appointed counsel is necessary to prevent due process violations.
24 Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing Kreiling v. Field, 431 F.2d 638, 640
25 (9th Cir. 1970) (per curiam)). The Court may, however, appoint counsel at any stage of the
26 proceedings if the interests of justice so require. See 18 U.S.C. § 3006A; see also Rule 8(c), Rules
27 Governing § 2254 Cases; Chaney, 801 F.2d at 1196. Crawford's filings indicate that he will not
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1 be able to litigate this action *pro se*. The Court finds that appointment of counsel is in the interest
2 of justice and will therefore grant Crawford's Motion for Appointment of Counsel (ECF No. 1-3).

3 The Court will deny as premature the Motion to Stay Proceedings (ECF No. 1-2) without
4 prejudice. After counsel appears for Crawford and when appropriate, if Crawford wishes to seek
5 a stay his counsel may file a new Motion to Stay Proceedings on his behalf.

6 The Court has examined Crawford's Petition, pursuant to Rule 4 of the Rules Governing
7 Section 2254 Cases in the United States District Courts and determines that it merits service upon
8 Respondents. The Court will order the Petition served upon Respondents and will direct
9 Respondents to appear but will not require any further action on the part of Respondents at this
10 time.

11 **IT IS THEREFORE ORDERED** that the Clerk of Court shall separately file the Petition
12 for Writ of Habeas Corpus (ECF No. 1-1), the Motion for Appointment of Counsel
13 (ECF No. 1-3), and the Motion to Stay Proceedings (ECF No. 1-2).

14 **IT IS FURTHER ORDERED** that the Application to Proceed *In Forma Pauperis* (ECF
15 No. 1) is **DENIED**. The Court will set a deadline for payment of the filing fee after counsel appears
16 for Petitioner.

17 **IT IS FURTHER ORDERED** that Petitioner's Motion for Appointment of Counsel (ECF
18 No. 1-3) is **GRANTED**. The Federal Public Defender for the District of Nevada (FPD) is
19 appointed to represent Petitioner. If the FPD is unable to represent Petitioner because of a conflict
20 of interest or for any other reason, alternate counsel will be appointed. In either case, counsel will
21 represent Petitioner in all federal court proceedings relating to this matter, unless permitted to
22 withdraw.

23 **IT IS FURTHER ORDERED** that the Clerk of Court shall electronically serve upon the
24 FPD a copy of this Order, together with a copy of the Petition for Writ of Habeas Corpus (ECF
25 No. 1-1).

26 **IT IS FURTHER ORDERED** that the FPD will have thirty (30) days from the date of
27 this Order to file a Notice of Appearance, or to indicate to the Court its inability to represent
28 Petitioner in this case.


IT IS FURTHER ORDERED that the Clerk of Court shall add Aaron Ford, Attorney General of the State of Nevada, as counsel for Respondents.

IT IS FURTHER ORDERED that the Clerk of Court shall electronically serve upon Respondents a copy of the Petition for Writ of Habeas Corpus (ECF No. 1-1) and a copy of this Order.

IT IS FURTHER ORDERED that Respondents will have thirty (30) days from the date of this Order to appear in this action. Respondents will not be required to respond to the Habeas Petition at this time.

IT IS FURTHER ORDERED that Petitioner's Motion to Stay Proceedings (ECF No. 1-2) is **DENIED** without prejudice.

DATED THIS 17th day of December, 2019.


RICHARD F. BOULWARE, II,
UNITED STATES DISTRICT JUDGE